

MINUTES
SECURITY SERVICES LICENSING BOARD
October 12, 2006 - 9:00 a.m.
Room 474
Heber M. Wells Building
160 E. 300 S. Salt Lake City, Utah

CONVENED: 9:04 a.m.

ADJOURNED: 2:47 p.m.

PRESENT:

Clyde Ormond, Bureau Manager
Jacky Adams, Board Secretary

Board Members:

Jim Young	Clayton Merchant
John McCoy	Marci McGregor

ABSENT:

Rick Hawkins Paul Roth

GUESTS:

Robert Anderton, PACSCO; Cory D Smith, Unified Family Services, LLC; Michael Larson, Unified Family Services, LLC; Mark Alleman, Unified Family Services, LLC; Scott Finlayson, Unified Family Services, LLC; Ross L Romero, Attorney for WSA Security Inc; James Lee Fleshood, WSA Security Inc; Matthew Barlow, Globe Security Inc; Heath Markovetz, Globe Security Inc

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Approve Minutes from the
August 10, 2006 meeting

Mr. Merchant seconded by Mr. McCoy made a motion to approve the August 10, 2006 Board Minutes, with corrections, the motion carried unanimously.

APPOINTMENTS:

9:15 a.m. Morrow, Duane

Mr. Morrow appeared before the Board for his first probation interview. Mr. Ormond explained that Mr. Morrow was charged with, Theft by Receiving Stolen Property, a Felony, on July 3, 2006. Due no resolution on this charge Mr. Morrow was placed on an MOU (Memorandum of Understanding) on September 2, 2006, and his requirements are:

- Meet with this Board on a quarterly basis;
- Work only under Direct Supervision; and
- Must submit resolution of his pending criminal action to the Division.

Mr. Morrow explained to the Board that his next court date is October 21, 2006, due to his lack of knowledge that the property he received for payment of services was

stolen; he is anticipating the charge to be dismissed at that time. Mr. Ormond then reminded Mr. Morrow that if he were convicted of this charge it would affect the status of his license.

It was determined Mr. Morrow is in compliance with his MOU and will meet again with the Board on December 14, 2006 at 9:15 a.m.

9:30 a.m. Eike, Matthew

Mr. Eike met with the Board for his scheduled appointment with the Board. Mr. Eike explained that he is no longer working for Ronin Risk International and is now employed by American Towers, a Proprietary Security Company. However, he may be starting a new position with Community Protective Agency, Mr. Eike will insure Mr. Green Qualifying Agent for Community Protective Agency, submits an "Employer Report" on a quarterly basis. Mr. Ormond suggested for Mr. Eike to submit an "Employer Report" completed by his supervisor at American Towers. Mr. Ormond will contact Ronin Risk International to obtain any missing "Employer Reports".

It was determined that upon submission of his "Employer Reports" Mr. Eike will be in compliance with his MOU, and he will meet again with the Board on December 14, 2006 at 9:30 a.m.

9:45 a.m. Ronin Risk International,
Michael C Petty, Qualifying Agent

Mr. Petty met with the Board to review his application for replacement for Qualifying Agent for Ronin Risk International. Mr. Ormond reminded the Board that on March 11, 2003 a Stipulation and Order was issued to Mr. Petty for working without a license. Mr. Ormond questioned Mr. Petty if he has been working as a Security Guard, since 2003. Mr. Petty stated "No" that he had not. Mr. Young then asked Mr. Petty which Qualifying Agent exam he had taken, and if he had had any difficulties. Mr. Petty stated he had taken the current exam, however, he had had some difficulty obtaining all of the appropriate texts.

Mr. Ormond then reviewed Mr. Petty's resume explaining that Mr. Petty seems to meet the qualifications for licensure as a Qualifying Agent. Mr. Young explained the duties and responsibilities of a Qualifying Agent, adding that Mr. Petty will be expected to take full responsibility for the Company. Mr. Petty stated he would be, and that he understood what would be expected of him.

Mr. McCoy seconded by Ms. McGregor made a motion to approve Mr. Petty as the new Qualifying Agent for Ronin Risk International, the motion carried unanimously.

10:00 a.m. Mireles, Gabriel

Mr. Mireles met with the Board to review his application for licensure as an Unarmed Private Security Officer. Mr. Ormond explained that Mr. Mireles had answered "Yes" to two of the Qualifying Questionnaire Questions, by way of explanation Mr. Mireles submitted a Court Document, which shows that he had pleaded guilty to Retail Theft, a Class B misdemeanor on June 30, 2003.

Mr. Mireles explained that the day of the charge he had just finished a 24-hour shift at work, and his son was sick, Mr. Mireles had not intended to Shoplift. While waiting for his sons' prescriptions he had placed some cold medicine in his pocket. Before he had had a chance to pay for anything the stores security officer confronted him and would not allow Mr. Mireles to explain.

Mr. Ormond asked if Mr. Mireles had undergone any court ordered counseling. Mr. Mireles stated that he had completed all counseling and had not been charged with anything since his 2003 charge.

Ms. McGregor seconded by Mr. McCoy made a motion to issue full licensure to Mr. Mireles, based on the length of time since the charge, the motion carried unanimously.

10:15 a.m. Fields, Robert

Mr. Fields did not appear at his scheduled meeting with the Board. It was determined that at the April 13, 2006 it was determined that Mr. Fields did not need to attend any Board Meetings unless he had ceased employment with US Protect or if there was a problem with his Drug Test, which is administered by his employer. A positive employer report has been received from Mr. Dan Calder, of US Protect each month since the last Board Meeting on August 10, 2006.

10:30 a.m. DeAngelis, Mario

Mr. DeAngelis did not appear at his schedule probationary interview with the Board. Mr. Merchant seconded by Ms. McGregor made a motion to issue a non-compliance letter to Mr. DeAngelis requesting him to appear at the next Board Meeting on December 14, 2006 at 10:00 a.m.

10:45 a.m. LaMar, Jill

Ms. LaMar met with the Board for her scheduled probation interview. Mr. Ormond explained that Ms. LaMar is due to be released from this probation in

October of 2007. Ms. LaMar has been Drug tested each month since the last Board Meeting on August 10, 2006. Mr. Ormond questioned Ms. LaMar on how much longer she will need to be on her current prescriptions. Ms. LaMar stated that she will be taking them permanently due to her depression, and panic attacks. An "Employer Report" had not been received; Ms. LaMar commented she would have one submitted by October 16, 2006, from her employer Mr. Gunn, of Metro Protective.

Ms. McGregor seconded by Mr. McCoy made a motion to release Ms. LaMar from her Drug testing, and quarterly appointments with this Board, any deterioration will be evident in her quarterly "Employer Reports", at which time Ms. LaMar will be requested to appear before this Board, the motion carried unanimously.

11:00 a.m. Executive Protection,
Thomas Loevlie, Qualifying Agent

Executive Protection Security, LLC originally submitted an application for licensure as a Contact Security Company on July 11, 2005, with Mr. Thomas W Loevlie as the Qualifying Agent. Mr. Loevlie's Qualifying Agent status was denied due to a possible conflict of interest between his job as a Sheriff for Salt Lake County and his duties and responsibilities as a Qualifying Agent with this company. Mr. Downard appeared before the Board to review the facts of this application. He explained that currently there is five full time Peace Officers who are Qualifying Agents for Contract Security Companies, they were all approved based on their experience and qualifications. Mr. Downard was concerned that an "injustice" had occurred in this case.

Ms. McGregor reviewed Mr. Loevlie's original resume commenting that it reflected that Mr. Loevlie had two positions:

- Salt Lake County Sheriff Office - Peace Officer Certified Category II responsible for overall security of Salt Lake County Detention Complex; and
- Treatment Supervisor - Responsible to coordinate and oversee treatment and care of a, 160 bed, secure detention facility.

The reason Mr. Loevlie was not approved was due to the amount of time required to be a Qualifying Agent; with Mr. Loevlie holding two full time positions the Board could not foresee Mr. Loevlie being able to hold three full time positions at the same time. Mr. Downard commented that Mr. Loevlie's employment has now

changed he is now a Category I Narcotics Officer with the Salt Lake County Sheriffs Office.

Based on this new information given to the Board, they determined that:

- Mr. Downard will complete his investigation it to this Company to determine if any "Unprofessional Conduct" has occurred; and
- The Board will request for Mr. Loevlie to appear at the next meeting on December 14, 2006, to re-evaluate this application.

11:15 a.m. All Pro Security, LLC,
Robert Conner, Qualifying Agent

Mr. Conner met with the Board to review his application for licensure as a Contract Security Company with himself as the Qualifying Agent. Mr. Ormond explained that Mr. Conner has been a full time Peace Officer since 1980, and for approximately the past nine years held a supervisory position, with Orem City.

During the course of the interview Mr. Conner admitted that he currently has three employees, and has been as a Contract Security Company for the past week. Because working without a license is considered to be "Unprofessional Conduct" there was an extensive conversation regarding how the Board could treat this situation. Mr. Ormond reminded the Board that their duties require them to review applications to determine if licenses meet the requirements for licensure. The Board duties do not require for them to be the fact finders in an investigation.

Mr. Young questioned Mr. Conner if he understood the duties and responsibilities of a Qualifying Agent. Mr. Conner stated that he did.

Ms. McGregor seconded by Mr. McCoy made a motion to have DOPL (Division of Occupational and Professional Licensing) Investigations look in the "Unprofessional Conduct" issue, based on Mr. Conner's qualifications he was approved licensure as a Contract Security Company, with himself as the Qualifying Agent, the motion carried unanimously.

A memo was later sent to DOPL Investigations, to review the "Unprofessional Conduct" Mr. Conner had admitted to during this meeting. The memo also explained that due to this issue arising during a Board meeting, if a hearing is held all Board Members present are recused and cannot set as the presiding officers in this case.

11:30 a.m. Exon, John

Mr. Exon met with the Board to review his application for licensure as an Unarmed Private Security Officer. Mr. Ormond explained that Mr. Exon had been charged with and convicted of:

- September 26, 1999 Possession of Marijuana, Class B Misdemeanor; Use of Possession of Drug Paraphernalia, Class B Misdemeanor
- April 4, 2000 Fraud -Illegal Use of Credit Card, Class A Misdemeanor
- June 13, 2000 Possession of Controlled Substance; Possession Paraphernalia

Mr. Ormond questioned the Board if due to the length of time since the last arrest and conviction do these charges cause a problem with Mr. Exon holding licensure in this profession. Mr. Young asked Mr. Exon what made him stop his criminal activities. Mr. Exon explained that while he was on probation the last time in 2000, he had failed three Drug tests for his probation officer, and realized what he was doing to his life. Mr. Ormond questioned, Mr. Exon, how long it has been since he completed his last probation. Mr. Exon stated 2002.

Mr. McCoy seconded by Ms. McGregor made a motion to approve licensure, based on the length of time since the last arrest and release from probation, the motion carried unanimously.

11:45 a.m. Johnson, Derick

Mr. Johnson met with the Board to review his application for licensure as an Unarmed Private Security Officer. Mr. Ormond explained that Mr. Johnson had been charged with and convicted of:

- December 1, 2003 Marijuana - Possession, Class B Misdemeanor; Possession of Drug Paraphernalia, Class B Misdemeanor

Mr. Ormond asked Mr. Johnson if he was still using illegal drugs. Mr. Johnson explained that he was not still using, and also had not been required to complete any treatment programs by the court.

Ms. McGregor seconded by Mr. Merchant made a motion to place Mr. Johnson on a MOU for a period of two-years, require random drug testing, quarterly "Employer Reports", and only work under "Direct Supervision", based on the length of time since his arrest and conviction and that he had not been required to complete a treatment program, the motion carried unanimously.

1:00 p.m. Tulimafua, Iki

Mr. Tulimafua met with the Board to review his application for licensure as an Unarmed Private Security Officer. Mr. Ormond explained that Mr. Tulimafua was charged with and convicted of:

- August 30, 2001 Failure to Comply, Class B Misdemeanor

Mr. Ormond questioned the Board if due to the nature of the charge, and the length of time since his arrest, and conviction, does this charge cause a problem with Mr. Tulimafua becoming licensed in the profession.

Mr. McCoy seconded by Mr. Merchant made a motion to issue licensure as an Unarmed Private Security Officer, based on the length of time since the arrest and conviction, the motion carried unanimously.

1:15 p.m. Unified Family Services LLC,
Cory D Smith Qualifying Agent

Mr. Smith, Mr. Larsen, Mr. Alleman, and Mr. Finlayson all appeared before the Board to review their application for Licensure as a Contract Security Company with Mr. Smith as the Qualifying Agent. However, they had answered "Yes" to two of the Qualifying Questionnaire Questions, indicating that Mr. Smith was currently under investigation by POST (Peace Officers Standards and Training) and has a disciplinary action pending by them.

Mr. Smith explained that he had had an affair with another officer, who at the end of the relationship had contacted POST to report the incident. He further explained that there will be another review by POST on December 6, 2006, to determine the final out come on this incident. Mr. McCoy questioned if Mr. Smith had been on duty at the time of the incident and why he had left his position as the Police Department, Mr. Smith explained he had not been on duty and that he had left his position voluntarily. Mr. McCoy then suggested tabling this issue until the final decision is made by POST. Ms. McGregor stated that even though Mr. Smith had made a bad ethical decision she felt that since this incident was mutual it might not be an issue for this Board. Mr. McCoy questioned Mr. Ormond if Mr. Smiths on going investigation with POST would be considered to be "Unprofessional Conduct" under 58-1. Mr. Anderton added that if this incident had occurred between two Security Officers Mr. Smith would have been terminated for "Unprofessional Conduct" the Board agreed. Mr. Ormond reviewed 58-1(2)(b), which states "violating, or adding or abetting any other person to violate, any generally accepted professional or ethical

standard applicable to an occupation or profession regulated under this chapter”, commenting that it he would consult the Attorney Generals office to determine if this was an issue

Mr. Ormond then suggested the Board determine if Unified Family Services LLC, with Mr. Smith as the Qualifying Agent, would meet the requirements for license, if this incident had not occurred. The company application was complete, with all supporting documents attached. Mr. Smiths resume indicates he began working for the Utah Valley State College in 2001 as a part-time officer; 2003 he became full-time, his was responsible for proposing and starting the K9 unit for the college; 2004 he became the Assistant Chief, supervising seven full-time officers and twenty reserves. Mr. Ormond then questioned the Board if Unified Family Services LLC with Mr. Smith as the Qualifying Agent meets the requirement for licensure.

Mr. McCoy seconded by Ms. McGregor made a motion to issue conditional licensure contingent upon clear criminal history, the final outcome of POST's decision regarding Mr. Smith, and a decision from the Attorney Generals Office on whether Mr. Smiths status with POST will carry over to indicate "Unprofessional Conduct" with the Division, the motion carried unanimously.

1:30 p.m. WSA Security Inc,
James Lee Fleshood Qualifying Agent

Mr. Fleshood, and Mr. Romero appeared before the Board to review WSA Security Inc, with Mr. Fleshood as the Qualifying Agent, for licensure as a Contract Security Company. Mr. Ormond review this application stating that all requirement for licensure have been met, except Mr. Fleshood is not a resident of the State of Utah, which is required under 58-63-302(1)(c). Mr. Fleshood explained that this Company would be taking over a contract from another company as soon as this application is approved; he was not willing to establish which contract at this time. He further commented that WSA Security Inc is licensed in several other states. The companies' usual procedure is to give the current employees of the contract to remain and work for WSA Security Inc. and if this is not an option they will hire new employees.

Mr. Ormond suggested for Mr. Fleshood to contact the current company over the contract, hire the Qualifying Agent then appear before the Board at the December 14, 2006 meeting for approval. Mr. Fleshood commented

this was not possible. Mr. Anderton commented that he knew of two individuals who would meet the requirements for licensure. Mr. Ormond then suggested to Mr. Fleshood to speak with Mr. Anderton, concerning these individuals.

Mr. McCoy seconded by Mr. Merchant made a motion to allow WSA Security Inc to hire a Qualifying Agent; Mr. Merchant will review the application and give approval, the motion carried unanimously.

Mr. Anderton, Mr. Fleshood, and Mr. Romero left the room to discuss a possible Qualifying Agent for this Company.

A complete application was received on November 1, 2006, from Mr. Michael Redman. Mr. Merchant reviewed Mr. Redman's application for "Replacement of Qualifying Agent" on November 9, 2006. He determined that Mr. Redman and WSA Security Inc meets the requirements for license. A letter was sent to WSA Security Inc, and Mr. Redman approving him as the new Qualifying Agent for this Company.

2:00 p.m. Globe Security Inc,
Heath Markevotz Qualifying Agent

Mr. Markevotz, and Mr. Barlow met with the Board to review their application for licensure as a Contract Security Company, with Mr. Markevotz as Qualifying Agent. Mr. Ormond review this application explaining that, the company must submit a "Certificate of General Liability Insurance" and proof of registration with Utah State Tax Commission, in order to complete the application. Mr. Ormond then added that the company also answered "Yes" to one of the questions on the Qualifying Questionnaire stating that Mr. Markevotz was charged with and convicted of:

- June 2, 2004 DUI, Class B misdemeanor

Mr. Markevotz explained that he was placed on court ordered probation for twelve-months, ordered to complete forty-eight hours of community service within sixty-days, complete a first time DUI Class, and pay a fine, which has all be completed. He then added that POST suspended his certification for three hundred hours.

Mr. Ormond then explained that Mr. Markevotz had worked for the Salt Lake City Police Department from 1996 to 2004.

Mr. Merchant seconded by Ms. McGregor made a

motion to approve Globe Security Inc, with Mr. Markevotz as the Qualifying Agent, contingent upon clear criminal history and submission of a complete application, this decision is based on the length of time since the charge and that all requirements of the probation have been met, the motion carried unanimously.

DISCUSSION ITEMS:

Continuing Education Audit

Due to time constraints of the Board members this issue was not discussed at the Board.

Deseret News Article-
“Panel denies more power for
Private Security Officers”

Mr. Anderton explained that he is aware of the situation around this article. A Contract Security Company in Southern Utah was requested by one of their clients to issue citations for speeding. He then explained that on the East Coast Contract Security Companies have Police Powers, however, the Guards must be Category II Certified. Mr. Ormond then asked if since this is being allowed in other states, does the association foresee this type of change being initiated in Utah. Mr. Merchant commented that the instructors would need to be POST Certified, and the process could take some time. Mr. Anderton agreed stating that giving Contract Security Guards Police Powers could arise in the near future.

ASIS International – Pre-employment
Background Screening Guidelines

Mr. Ormond questioned the Board and Mr. Anderton if ASIS International’s Pre-Employment Background Screening Guidelines should be reviewed at the next Association meeting on October 17, 2006. Mr. Anderton stated that this item would be reviewed at the next meeting.

Rules Discussion

Mr. Ormond updated the Board regarding the past decisions concerning this issue. At the last Contract Security Board Meeting on August 10, 2006 it was decided to have the Contract Security Education Committee, review the proposed Rules Changes. The Education Committee met on August 31, 2006.

After an extensive conversation the Education Committee determined to leave Basic Training at eight hours, create a second paragraph under R156-63-603 to allow the On-the-Job Training form to be good for sixty days, and within that time the Contract Security Guard is required to complete an additional sixteen hours of

training, then if the background checks have been returned with proof of "No Criminal History" a license shall be issued.

The Board agreed with the Committees decision. Mr. Merchant informed the Board that if the Rules Change takes affect prior to Armored Car being given their own license, he explained this could cause a problem with them, because the training, which will be required, is more appropriate for Contract Security.

After a brief discussion it was determined to table the Rules Change until after the Legislative session. At that time if Armored Car is given their own license the Rules Change will be revisited. If Armored Car is not given their own license, some changes may need to be made.

CORRESPONDENCE:

Utah Law & Qualifier Exam Pass Rates

Due to time constraints of the Board members this issue was no discussed at the Board.

NEXT SCHEDULED MEETING:

December 14, 2006

DATE APPROVED

CHAIRPERSON, CONTRACT SECURITY
SERVICES

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL LICENSING